

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named Inventor :	Hari Hara Kumar Venkatachalam	Appeal No. ---
Appln. No. :	10/672,316	
Filed :	September 26, 2003	Group Art Unit: 2629
For :	INTEGRATED SPECTACLES AND DISPLAY UNIT FOR COMPUTER AND VIDEO	Examiner:
Docket No.:	K28.12-0001	Duc Q. Dinh

REPLY BRIEF

ELECTRONICALLY FILED ON
MAY 30, 2008

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Answer dated April 1, 2008.

In section 10 (Response to Argument section) of the Answer, the Examiner first addresses claims 1, 5-6, 8-13 and 18-20 by, in general, disagreeing with the Appellant's conclusion that none of the cited references, taken individually or in combination, teach or suggest "a pair of spectacles adapted to be worn on the face of a person, the pair of spectacles having a first lens and a second lens; and a projection unit." However, the Examiner does not address the Appellant's arguments in the Appeal Brief that support that conclusion. Appellant believes that the unaddressed arguments provide a clear distinction between the claimed invention and the cited art and therefore those arguments are included below.

Appellant respectfully points out that "projection" is a phenomenon that is outward of something. (See definitions for projection in the Evidence Appendix of the Appeal Brief.) Further, "unit" is defined as a single undivided whole. (See definitions for unit in the Evidence Appendix of the Appeal Brief.) Thus, by definition, and in the context of the specification, a "Projection Unit" is a single device that projects/displays an image outside of itself (for example, on a wall (see page 3, line 26, of the specification)). None of the cited references, taken

individually or in combination, show or suggest a “Projection Unit.”

In Yasukawa, Schoolman, and Mann, any device worn by the user includes a physical display component for the user to see an image that is within the physical display component, which is contrary to a “Projection Unit.”

Further, in section 10 of the Answer, the Examiner makes a general statement about Yasukawa’s device being capable of displaying data from an information source. This suggests that Yasukawa’s device is application-independent. However, Yasukawa’s invention is centered around “Computer Aided Engineering (CAE) and Design.” Specific aspects of Yasukawa’s invention that illustrate its application-dependent nature, are as follows:

- As indicated, for instance, in the summary section (column 3, line 49), of Yasukawa, there is a distinctive first, and second display area, both comprising of, and specific to, CAE drawings. The first area shows that a CAE drawing document is brought to the forefront, by a footswitch (4 of Fig. 1), from the second display area, which contains other CAE drawing documents. Modern day applications are non-linear, and a user may randomly choose to switch between different heterogeneous applications, with the help of a mouse/keyboard, which are independent of such applications. Yasukawa uses a footswitch, which cycles through homogenous CAE drawing documents in a specific order. A keyboard, or a mouse, differ in that they are not functionally or structurally tied to enable the manipulation of CAE drawing documents for a specific application.
- Figs. 6 and 7 indicate that Yasukawa is waiting for a triggered input signal, to switch from one CAE drawing document (in the secondary display area) to another (to bring it to the first display area).

In summary, Yasukawa’s displaying of information is structurally and functionally tied to a specific application, while the claimed invention includes a projection unit that is structurally and functionally application-independent. The remaining cited references (Schoolman, Preston, Hori, Kato, Mann and Barkan) do not overcome the deficiencies of Yasukawa.

Thus, claims 1, 5-6, 8-13 and 18-20, and dependent claims 7, 14 and 17 and 4 are believed to be allowable over the cited references.

Regarding dependent claims 21 and 22, the Examiner, in section 10 of the Answer, states that “it would have been obvious for one of ordinary skill in the art at the time of the invention to learn the teaching of using the motion sensor for activating or inactivating the display device in the combination of Yasukawa, Schoolman and Mann in view of Barkan since the operation to turn on/off the display device of the projection unit could be used automatically to achieve the predictable result of saving power for the system.” (Emphasis Added.)

In general, the Examiner correctly points out that Barkan’s device achieves power saving by automatically turning “off” a terminal when the terminal is stationary for a period of time (indicating that it is not in use), and automatically turning the terminal “on,” when it is moved (indicating that it is going to be used). However, the inventions of claim 21 and 22 have nothing to do with saving power and therefore include elements that are the opposite of what Barkan teaches. Specifically, claim 21 includes “the controller is adapted to provide a shutdown control signal to the receiver when motion detected by the motion sensor is found to be above a predetermined threshold,” and claim 22 includes “the controller is adapted to provide a startup control signal to the receiver when motion detected by the motion sensor is found to be below a predetermined threshold.” Thus, in addition to being allowable by virtue of their dependency from the allowable independent claims, claims 21 and 22 are also believed to be allowable for the above reasons.

In view of the foregoing, Appellant respectfully requests that the Board reverse the Examiner and find all pending claims allowable.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Alan G. Rego/
Alan G. Rego, Reg. No. 45,956
Suite 1400
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone:(612) 334-3222 Fax:(612) 334-3312